

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**

TOUCHSCREEN GESTURES LLC,

Plaintiff,

v.

HTC CORPORATION, ET AL.,

Defendants.

Case No. 3:13-CV-01772-WHA

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR LEAVE
TO FILE A SECOND AMENDED
COMPLAINT AND DISMISSING
CERTAIN CLAIMS AND
COUNTERCLAIMS**

Having considered the parties briefing on this motion, the Court orders as follows:

- 1) Plaintiff's Motion to File a Second Amended Complaint against HTC Corporation and HTC America (collectively "HTC") is GRANTED. Plaintiff shall file its Second Amended Complaint within three days of this order.
- 2) Plaintiff's claims that HTC infringes U.S. Patents Nos. 7,319,457, 8,164,575, 7,274,357, and 7,814,031 by HTC products that were accused or could have been accused by Plaintiff as the date of Plaintiff's Second Amended Complaint are hereby dismissed with prejudice.
- 3) Defendant HTC shall serve its Answer to Plaintiff's Second Amended Complaint within seven days of Plaintiff's filing the Second Amended Complaint.
- 4) Defendant HTC's Answer shall not assert counterclaims regarding U.S. Patents Nos. 7,319,457, 8,164,575, 7,274,357, or 7,814,031.
- 5) Defendant HTC's counterclaims of non-infringement and invalidity of U.S. Patents Nos. 7,319,457, 8,164,575, 7,274,357, and 7,814,031 and HTC's counterclaim of unenforceability of U.S. Patent No. 8,164,575 are hereby dismissed without prejudice.

IT IS SO ORDERED

Dated: October 16, 2013.

By:



Hon. William H. Alsup
United States District Judge

ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT AND DISMISSING CERTAIN CLAIMS AND COUNTERCLAIMS